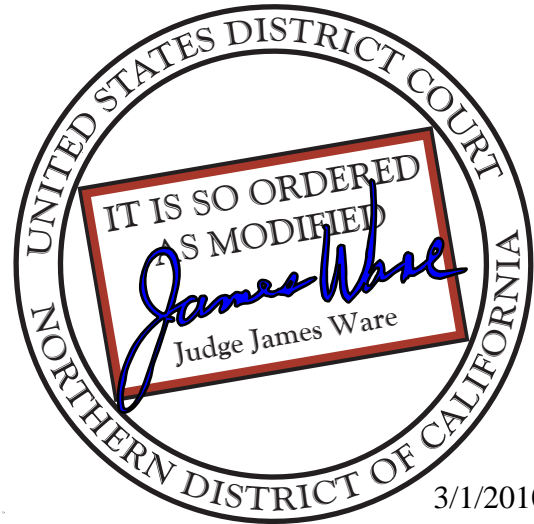


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13 Attorneys for Plaintiffs



3/1/2010

14 IN THE UNITED STATES DISTRICT COURT  
15  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 DANIEL J. MITCHELL, acting for himself )  
19 and others similarly situated, )  
20 )  
21 Plaintiffs, )  
22 v. )  
23 )  
24 COUNTY OF MONTEREY, )  
25 )  
26 Defendant. )  
27 )  
28 )

Case No.: 5:08-01166 JW

**STIPULATION AND ORDER  
MODIFYING SCHEDULING ORDER  
PROPOSED ORDER**

29 The parties, through their attorneys of record, hereby stipulate as follows:

- 30 1. On February 17, 2010, the Court granted Defendant COUNTY OF MONTEREY  
31 ("County") leave to amend the Answer filed in this action;
- 32 2. In its February 17, 2010 Order, the Court offered to allow the parties to stipulate, subject to the  
33 Court's approval, or file an appropriate motion, for a reasonable extension of the current case  
34 schedule.
- 35 3. On February 17, 2010, the County filed its First Amended Answer;
- 36 4. The County's First Amended Answer asserts five new affirmative defenses to Plaintiffs'

- 1 Complaint;
- 2 5. The parties acknowledge the affirmative defenses raised in the County's First Amended
- 3 Complaint require significant factual discovery that, as of yet, the parties did not contemplate
- 4 while conducting discovery in this action;
- 5 6. The issues raised by the County's First Amended Answer may require expert testimony from
- 6 additional expert witnesses;
- 7 7. The parties agree good cause exists to extend all deadlines set forth in the Court's Scheduling
- 8 order, as amended November 19, 2009, by at least one hundred and eighty (180) days, as
- 9 follows:

	<u>Current Date</u>	<u>New Date</u>
10		
11 <u>Expert Disclosure</u>	February 22, 2010	August 23, 2010
12 <u>Preliminary Pre-Trial Statements</u>	March 12, 2010	September 8, 2010
13 <u>Rebuttal Expert Disclosure</u>	March 7, 2010	September 3, 2010
14 <u>Preliminary Pre-Trial Conference</u>	March 22, 2010	<b>September 13, 2010</b>
15 <u>Close of All Discovery</u>	April 26, 2010	<b>September 13, 2010</b>
16 <u>Last Day for Hearing Dispositive Motions</u>	June 21, 2010	<b>November 15, 2010</b>
17 <u>Joint Pretrial Conference Statement</u>	----	<b>September 3, 2010</b>

- 18 8. Witnesses deposed before the Court granted the County leave to amend may be re-deposed for
- 19 the purpose of eliciting testimony relevant to the issues raised in the County's First Amended
- 20 Answer;
- 21 9. Subsequent depositions of witnesses the parties deposed before the Court granted the County
- 22 leave to amend shall not count towards the twenty one deposition the parties previously
- 23 stipulated to.

24

25 Dated: February 18, 2010

**MASTAGNI, HOLSTEDT, AMICK,  
MILLER & JOHNSEN**

26

27 By: /s/ Isaac S. Stevens

28 ISAAC S. STEVENS

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Attorney for Plaintiffs  
DAN MITCHELL, et al.

Dated: February 19, 2010

By: William K. Rentz  
WILLIAM K. RENTZ  
Sr. Deputy County Counsel  
Attorney for Defendants  
COUNTY OF MONTEREY

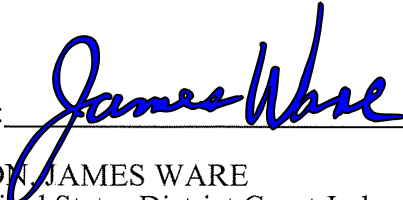
**ORDER AS MODIFIED**

Good cause appearing, it is hereby ORDERED that the dates set forth in the Scheduling Order in this case is modified as follows:

	<b><u>Current Date</u></b>	<b><u>New Date</u></b>
<u>Expert Disclosure</u>	February 22, 2010	August 23, 2010
<u>Preliminary Pre-Trial Statements</u>	March 12, 2010	September 8, 2010
<u>Rebuttal Expert Disclosure</u>	March 7, 2010	September 3, 2010
<u>Preliminary Pre-Trial Conference</u>	March 22, 2010	<b>September 13, 2010</b>
<u>Close of All Discovery</u>	April 26, 2010	<b>September 3, 2010</b>
<u>Last Day for Hearing Dispositive Motions</u>	June 21, 2010	<b>November 15, 2010</b>
<b><u>Joint Pretrial Conference Statement</u></b>	----	<b>September 3, 2010</b>

**IT IS SO ORDERED.**

Dated: March 1, 2010

By:   
HON. JAMES WARE  
United States District Court Judge